

Assembly Bill No. 1752

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 31, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 13385.2 and 13385.3 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1752, Levine. Environmental quality.

The existing Porter-Cologne Water Quality Control Act (the act) imposes civil penalties for certain violations of the act relating to waste discharge requirements. The act authorizes the State Water Resources Control Board or a California regional water quality control board, in lieu of assessing specified mandatory minimum penalties against a publicly owned treatment works (POTW) serving a small community, as defined, to elect to require a POTW to spend an equivalent amount towards the completion of a compliance project if the state board or a regional board makes a specified determination.

SB 1733 of the 2005–06 Regular Session would revise requirements relating to the determination that the state board or a regional board is required to make before electing to require a POTW serving a small community to spend funds toward the completion of a compliance project, in lieu of imposing mandatory minimum penalties.

This bill, if SB 1733 is enacted and becomes operative, would provide that those changes made by SB 1733 shall become operative on July 1, 2007, and would require the POTW, prior to the state board or regional board making its determination, to demonstrate to the satisfaction of the state board or the regional board that a specified financing plan is designed to generate sufficient funding to complete the compliance project within a specified time period.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 13385.2 is added to the Water Code, to read:

13385.2. (a) Prior to the state board or regional board making its findings pursuant to subdivision (k) of Section 13385, the publicly owned treatment works shall demonstrate to the satisfaction of the state board or regional board that the financing plan prepared pursuant to subparagraph (C) of paragraph (1) of subdivision (k) of that section is designed to generate sufficient funding to complete the compliance project within the time period specified pursuant to subparagraph (A) of paragraph (1) of subdivision (k) of that section.

(b) This section shall only become operative if Senate Bill 1733 of the 2005–06 Regular Session is enacted and becomes operative.

SEC. 2. Section 13385.3 is added to the Water Code, to read:

13385.3. (a) The amendments made to subdivision (k) of Section 13385 of the Water Code by Senate Bill 1733 of the 2005–06 Regular Session shall become operative on July 1, 2007.

(b) This section shall only become operative if Senate Bill 1733 of the 2005–06 Regular Session is enacted and becomes operative.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the timely completion of a compliance project proposed by a publicly owned treatment works serving a small community, it is necessary that this act take effect immediately.

Approved _____, 2006

Governor